

BEFORE THE BOARD OF EXAMINERS OF
RESIDENTIAL CARE FACILITY ADMINISTRATORS

STATE OF IDAHO

In the Matter of the License of:)	
)	Case No. RCA-2007-1
BETTIE L. ATKISSON,)	
License No. RCA-188,)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW AND
Respondent.)	FINAL ORDER
)	

RCA/P6335lma

Having reviewed the documents and correspondence contained in the administrative file in this matter, the Idaho State Board of Examiners of Residential Care Facility Administrators (the "Board") hereby enters the following Findings of Fact, Conclusions of Law, and Final Order:

FINDINGS OF FACT

1. Respondent Bettie L. Atkission ("Respondent") is a duly licensed residential care facility administrator in the State of Idaho holding License No. RCA-188.
2. At all times relevant herein, Respondent was the administrator at Adult Residential Care Home II in Coeur d'Alene, Idaho.
3. On or about November 1, 2005, the Board received a complaint from the Idaho Department of Health and Welfare, Bureau of Facility Standards, Residential Community Care Program, that during the course of two surveys conducted at Adult Residential Care Home II, core issue deficiencies had been issued. As a result of a standard health care survey and complaint investigation conducted by Health and Welfare on April 7, 2005, core issue deficiencies were issued for neglect and inadequate care (failure to develop and implement negotiated service agreements and failure to provide basic services to include assistance with medications, monitoring of blood glucose levels and supervision). As a result of a follow-up survey conducted on September 27, 2005,

repeat core issue deficiencies were issued for inadequate care (failure to develop and implement negotiated service agreements and failure to provide basic services to include assistance with medications and monitoring of blood glucose levels).

4. On or about June 1, 2006, Respondent voluntarily surrendered her residential care facility administrator license, License No. RCA-188. Respondent further knowingly and freely waived her right to a hearing, and waived all rights granted to Respondent pursuant to the Administrative Procedures Act, chapter 52, title 67, Idaho Code. The voluntary surrender form signed by Respondent is attached hereto as Exhibit 1.

CONCLUSIONS OF LAW

1. As a licensed residential care facility administrator in the State of Idaho, Respondent is subject to the jurisdiction of the Board and to the provisions of title 54, chapter 42, Idaho Code, and the rules and regulations promulgated by the Board thereunder.

2. The allegations in the complaint, if proven, would constitute violations of the Residential Care Administrators Practice Act and Rules and would constitute grounds for revocation or suspension of Respondent's license to practice as a residential care facility administrator pursuant to Idaho Code § 54-4213(1)(b).

3. Respondent's voluntary surrender of licensure authorizes the Board to, without further process, revoke or suspend Respondent's license, impose a civil penalty and/or impose costs and fees incurred by the Board in the investigation and prosecution of the complaint.

ORDER

NOW, THEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law, and good cause being shown, it is hereby ordered that:

1. License No. RCA-188 issued to Respondent Bettie L. Atkission is hereby REVOKED for five (5) years from the date of this Order based upon voluntary surrender.

2. At all times while Respondent remains unlicensed by the Board, Respondent shall not practice or offer to practice as a residential care facility administrator, or use any title, sign, card or device to indicate that she is a residential care facility administrator. *See* Idaho Code § 54-4203. A residential care facility administrator shall mean any individual responsible for planning, organizing, directing and controlling the operation of a residential care facility, or who in fact performs such functions, whether or not such functions are shared by one (1) or more other persons. *See* Idaho Code § 54-4202(8). Should this definition be modified under Idaho law following entry of this Order, Respondent shall comply with the amended definition then in effect.

3. Respondent shall not re-apply for licensure during the 5-year revocation period. At the conclusion of the 5-year revocation period, Respondent may re-apply for licensure under the following conditions:

a. Respondent shall meet all the requirements of a new applicant as set forth in the Board's laws and rules.

b. Respondent shall pay to the Board an administrative fine in the amount of One Thousand and No/100 Dollars (\$1,000.00).

c. Respondent shall pay investigative costs and attorney fees incurred in this matter in the amount of One Thousand and No/100 Dollars (\$1,000.00).

d. Respondent shall appear before the Board to address the deficiencies issued by Health and Welfare in the April 7, 2005, survey and the September 27, 2005, follow-up survey for Adult Residential Care Home II and any other allegations in the Board's investigation of this matter.

e. Pursuant to Board Rule 700, the Board may also require Respondent to submit to any other review as well as require Respondent to sit for a special examination at the Board's discretion.

f. No provision in this Order shall limit the Board's authority under Board Rule 700 to deny a license application made by Respondent after the 5-year

revocation period.

This Order is effective immediately.

DATED this 23 day of January, 2007.

IDAHO STATE BOARD OF EXAMINERS
OF RESIDENTIAL CARE FACILITY
ADMINISTRATORS

By Ione Springer
Ione Springer, Chair

NOTICE OF DUE PROCESS RIGHTS

NOTE: THIS NOTICE IS PROVIDED SOLEY FOR COMPLIANCE WITH IDAHO CODE § 67-5248, AND IS NOT INTENDED TO REINSTATE ANY RIGHTS PREVIOUSLY WAIVED BY RESPONDENT.

This is a final order of the Board. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Board will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Idaho Code § 67-5246(4).

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order or orders previously issued in this case may appeal this final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- a. A hearing was held,
- b. The final Board action was taken,
- c. The party seeking review of the order, resides, or
- d. The real property or personal property that was the subject of the Board action is located.

An appeal must be filed within twenty-eight (28) days (a) of the service date of this final order, (b) of an order denying petition for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See Idaho Code § 67-5273. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

CERTIFICATE OF SERVICE

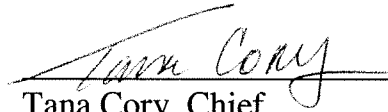
I HEREBY CERTIFY that on this 23RD day of January, 2007, I caused to be served a true and correct copy of the foregoing by the following method to:

Bettie L. Atkission
830 N. 23rd Street
Coeur d'Alene, ID 83814

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☒ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☐ Statehouse Mail

Emily A. Mac Master
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

- ☐ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☒ Statehouse Mail



Tana Cory, Chief
Bureau of Occupational Licenses

VOLUNTARY SURRENDER OF REGISTRATION/LICENSE

Exhibit 1